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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,013	12/02/2003	Roydan Thomas Tomlinson	100200812-1	4418

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EXAMINER

KO, TONY

ART UNIT PAPER NUMBER

2878

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/727,013

Applicant(s)

TOMLINSON, ROYDAN THOMAS

Examiner

Tony Ko

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/02/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 10 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bates (U.S. Patent 4,603,356).
3. Regarding claims 1 - 10 and 12-15, Bates discloses (Figs 1 and 2) an assemblage for sampling an image, comprising: a photosensitive element (11) operable to convert light into an electrical signal; and a mask (21) having a plurality of mask cells, each mask cell having an optically-conductive state and an optically-blocking state, a mask cell in an optically-conductive state permitting light to pass through to the photosensitive element (Col. 5, Lines 54-62). Bates also discloses the photosensitive element generates a plurality of samples of the image. Bates also discloses (Fig. 2) the mask comprises an array of mask cells. Bates also discloses the mask comprises a matrix of mask cells. Bates also discloses the mask comprises a plurality of electrically switchable mask cells (Col. 5, Lines 46-65). Bates also discloses the plurality of mask cells in a mask are each sequentially switched to an optically-conductive state from an optically-blocking state. (Col. 7, Lines 15-30)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates.

6. Regarding claim 11, Bates discloses the invention set forth above. Bates does not disclose each of the plurality of mask cells are switched to an optically-conductive state for a pre-defined sample time period of the photosensitive element. It is well known to pre-define a sample time period for a photosensitive element. It would have been obvious to a person of ordinary skill in the art at the time of the invention to set a sample time period for a photosensitive element to ensure the desired amount of light signal is received by the detectors.

7. Regarding claims 16 and 17, Bates discloses the invention set forth above. Bates does not disclose a plurality of mask element respectively associated with one of the plurality of photosensitive elements. It is design choice to have the mask element respectively associated with one of the plurality of photosensitive element. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the mask element respectively associated with one of the plurality of photosensitive element to reduce signal interferences.

8. Regarding claim 18, Bates discloses the invention set forth above. Bates does not disclose the plurality of photosensitive elements generates  $X*Y$  samples, where  $X$  is the number of photosensitive elements and  $Y$  is the number of mask cells in each mask element. It is design choice to generates  $X*Y$  samples. It would have been obvious to a person of ordinary skill in the art at the time of the invention to generates  $X*Y$  samples to provide sufficient samples population.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Ko whose telephone number is 571-272-1926. The examiner can normally be reached on Monday-Friday 7:30 - 4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/727,013  
Art Unit: 2878

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